

USDC SDNY

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AO 133

(Rev. 8/06) Bill of Costs

UNITED STATES DISTRICT COURT

Southern

District of

New York

1/26/2015

Advanced Video Technologies LLC

V.

HTC Corporation and HTC America, Inc.

BILL OF COSTS

Case Number: 1:11-cv-06604 (CM) (RLE)

Judgment having been entered in the above entitled action on _____
 the Clerk is requested to tax the following as costs:

4/30/2015 Date Plaintiff _____

Fees of the Clerk	\$ 1,600.00 ✓
Fees for service of summons and subpoena	\$ 1,198.22 ✓
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	\$ 40,829.11 1,578.80
Fees and disbursements for printing	200.20 93.00
Fees for witnesses (itemize on page two)	24,582.30 0
Fees for exemplification and copies of papers necessarily obtained for use in the case	0.00
Docket fees under 28 U.S.C. 1923	0.00
Costs as shown on Mandate of Court of Appeals	0.00
Compensation of court-appointed experts	4,983.00 4983.00
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	0.00
Other costs (please itemize)	404,479.85 0
<i>Done on Submission, OBJECTIONS and REPLY TO OBJECTIONS filed.</i>	
	TOTAL \$ 477,881.68
	84,470.06

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

Electronic service by e-mail as set forth below and/or.
 Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney:

Name of Attorney: Kyle Chen

For: Defendants HTC Corporation and HTC America, Inc.

Date: 6/1/2015

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

By:

Deputy Clerk

Clerk of Court _____ Date _____

UNITED STATES DISTRICT COURT

NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Gordon Mayer, White Salmon, Washington	1	40.00				11.20	\$51.20
John Nicholas Gross, Berkeley, California	1	40.00				53.00	\$93.00
Electroflip LLC, Henderson, Nevada		40.00				25.00	\$65.00
							\$0.00
							\$0.00
							\$0.00
						TOTAL	\$209.20

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADVANCED VIDEO TECHNOLOGY, LLC

Plaintiff
v.
HTC Corporation and HTC America, Inc.,

Defendants.

TAXATION OF COSTS THAT
WERE GRANTED BY THE
CLERK OF COURT

12 CIVIL 6604 (CM)

(1) Fees of the Clerk (Pro Hac Vice, Receipts on Courts Docket),	\$ 1600.00
(2) Fees for Service Summons and Subpoena	\$ 1,198.22
(3) Fees for Depositions (Original & 1 Copy Allowable) John Nicholas Gross and Homer Chang Depositions were used for the motion to dismiss	\$ 1,578.84
(4) Fees for Witness (Itemized on page two)	\$ 93.00
(5) Fees for exemplification and copies of papers necessarily obtained for use in the case. Could not be determined by the Clerk, due to not knowing what amount of the costs were actually needed and which were used for Discovery purposes.	\$0.
(6) Other Costs. They cannot be decided by the Clerk, because they are not costs allowable under Local Rule 54.1, according to the Declaration of the attorney, these costs refer to 28 U.S.C. § 1919 and 26(b)(4)(E) Fed. R. Civ. P.	\$0.
For a Total Sum of	\$ 4,470.06